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10/567,713

02/07/2006

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26129 7590 11/25/2009  
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EXAMINER

NGUYEN, THUKHANH T

ART UNIT

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



## **DETAILED ACTION**

### ***Terminal Disclaimer***

1. The terminal disclaimer filed on 09/02/09 has been reviewed and is NOT accepted because the application number identified therein was incorreced (should have been 10/567,713 instead of 10/567,613).

### ***Claim Objections***

2. Claim 3 is objected to because of the following informalities: the first word of claim 3, “he” seems to be a typo. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-2 and 4-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sagawa et al (5,672,363) in view of Murata et al (7367,791).

Sagawa et al disclose an apparatus for forming sintered magnet, comprising a rotary die plates (2a) with a plurality of through holes, or dies (col. 22, lines 35-38), a slurry injecting path for injecting slurry material into the die (col. 38, lines 45-52), a magnetic field generating source (4, 30), wherein the powder material is heated, or sintered at different temperature such as 120°C (col. 36, lines 25-26).

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However, Sagawa et al fail to disclose a temperature control unit with a heater and a controller for controlling the temperature of the heater.

Murata et al disclose an apparatus for forming an annular magnet from rare earth iron, comprising a die (45), a magnetic field source (423), and a temperature control unit (46) for maintaining the temperature of the die.

It would have been obvious to one of ordinary skill in the art at the time the applicant's invention was made to modify Sagawa et al by providing a temperature controller connecting to a heater as taught by Murata et al in order to regulate and control the temperature of the dies.

In regard to claim 4, Sagawa et al disclose that the material is sintered at 120°C (col. 36, lines 25-26).

In regard to claim 5, it would have been obvious to one of ordinary skill in the art at the time the applicant's invention was made to modify Sagawa et al by controlling a temperature of a die to a predetermined value depending on the material being used and the size of the forming product. A prima facie case of obviousness exists where the claimed ranges and prior art ranges do not overlap but are close enough that one skilled in the art would have expected them to have the same properties. *Titanium Metals Corp. of America v. Banner*, 778 F.2d 775, 227 USPQ 773 (Fed. Cir. 1985).

5. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sagawa et al ('363) and Murata et al ('791) as applied to claims 1-2 and 4-5 above, and further in view of Moorhead (5,476,622).

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Sagawa et al and Murata et al fail to disclose a pump for pumping heating liquid to control the temperature of the die.

Moorhead discloses an apparatus for compacting powder material, comprising a heating unit (56) connected to a pump for circulating a heating fluid (col. 10, lines 28-53) for controlling the temperature of the die (22, 24).

It would have been obvious to one of ordinary skill in the art at the time the applicant's invention was made to modify Sagawa et al and Murata et al by providing a pump as taught by Moorhead for circulating heating fluid in order to control the temperature of the die.

6. Applicant's arguments with respect to claims 1-5 have been considered but are moot in view of the new ground(s) of rejection.

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thu Khanh T. Nguyen whose telephone number is (571) 272-1136. The examiner can normally be reached on 7:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on 571-272-1226. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

TN

/Richard Crispino/  
Supervisory Patent Examiner, Art Unit 1791